

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

PROXENSE, LLC,

Plaintiff,

vs.

SAMSUNG ELECTRONICS CO., LTD.
AND SAMSUNG ELECTRONICS
AMERICA, INC.,

Defendants.

Case Nos. 6:21-cv-00210-ADA

JURY TRIAL DEMANDED

JOINT NOTICE NARROWING CASE

In accordance with the Court’s January 28, 2022 Scheduling Order (Dkt. No. 48), Plaintiff Proxense, LLC and Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (“Defendants”) have met and conferred to discuss significantly narrowing the number of claims asserted and prior art references in the case. By and through their undersigned counsel, the parties provide the following joint notice:

Proxense withdraws, and dismisses without prejudice, its claims for infringement of United States Patent No. 9,049,188 (“the ’188 patent”) and United States Patent No. 9,235,700 (“the ’700 patent”) from the current litigation. Because claim narrowing is necessitated by trial management concerns, the parties agree that Plaintiff does not lose its due-process right to later assert the withdrawn or unselected claims. *See, e.g., SanDisk Corp. v. Kingston Tech. Co.*, 695 F.3d 1348, 1353 (Fed. Cir. 2012) (notification by plaintiff that it was no longer pursuing certain claims is “akin to either a Federal Rule of Civil Procedure 15 amendment to the complaint . . . or a Rule 41(a) voluntary dismissal of claims without prejudice”).

Defendants withdraw, and dismiss without prejudice, their affirmative defenses exclusively related to the '188 and '700 patents. The parties agree that Defendants' case-narrowing is without prejudice to their subsequent assertion of any affirmative defenses, should these patents be reasserted against them.

Pursuant to the Court's Scheduling Order, the parties will continue to meet and confer in an effort to further narrow the dispute in this suit, and will notify the Court of any further agreements reached by October 17, 2022, as set forth in the current scheduling order.

Dated: July 25, 2022

/s/ Brian D. Melton

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*Counsel for Defendants Samsung Electronics Co., Ltd.
and Samsung Electronics America, Inc.*

CERTIFICATE OF SERVICE

I, Kevin Hardy, certify that a true and correct copy of the above and foregoing document was served on all counsel of record via the Court's CM/ECF system on July 25, 2022.

/s/ Kevin Hardy
Kevin Hardy